

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED PUBLIC WORKERS, )	CIVIL NO. CV03-00598 DAE LEK
AFSCME, LOCAL 646, AFL-CIO, )	
MUTUAL AID FUND TRUST, )	DECLARATION OF COUNSEL
)	
)	
Plaintiffs, )	
)	
vs. )	
)	
GARY RODRIGUES, )	
)	
Defendant. )	
)	
)	

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DECLARATION OF COUNSEL

I, CHARLES A. PRICE, declare as follows:

1. I am an attorney licensed to practice law in all courts of the State of Hawaii and am one of the attorneys for Plaintiff in this action. The statements below are based on personal knowledge and I am competent to testify to same.

2. Before and after Mr. Hewitt served his prison time, Mr. Hewitt told me that he would cooperate with UPW and that he would voluntarily appear for his deposition. He initially agreed to appear for his deposition in February 2006 in Washington, D.C., after he entered his guilty plea and before serving his prison time, but the deposition had to be rescheduled because defense counsel, Eric Seitz, was

involved in an out-of-state criminal trial at that time. Later, after Mr. Hewitt served his prison time, he agreed to appear for his deposition by telephone in early September 2006, but Mr. Seitz was unavailable on the proposed date. Recently, on September 21, 2006, when trying to reschedule Mr. Hewitt's deposition for the third time, Mr. Hewitt informed me for the first time that he was unwilling to cooperate or to voluntarily appear for his deposition. Plaintiff now needs additional time to locate and serve a subpoena upon Mr. Hewitt to compel him appear for his deposition in Orlando, Florida, his current place of residence.

3. Mr. Seitz has informed me that the Defendant does not object to and joins in the request to continue the trial.

I declare under penalty of perjury that the above is true and correct.

Dated: Honolulu, Hawaii, September 26, 2006.

  
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CHARLES A. PRICE